

Remarks

In the official action, the Examiner allows claims 12-15 and, moreover, indicates that the remaining claims would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, and certain objections set forth in the official action.

As the Examiner will note by reference to the claim amendments made above, claims 1, 3, 5, and 8-11 have been amended. It is believed that these amendments should be self-explanatory. Indeed, for the most part, they are directly responsive to the comments that the Examiner made in the official action.

The Examiner is thanked for the helpful comments made and it is believed, that with these amendments, the various rejections and objections made to the claims on clarity grounds have been overcome. Should the Examiner have any questions or comments regarding the claim amendments, the Examiner is invited to telephone the undersigned.

It is noted that this official action is a final rejection. It is submitted that the final rejection is premature in this case since the objections and rejections made by the Examiner were not triggered by any amendment made by the Applicant and therefore could have been previously made. As such, the Examiner is respectfully requested to withdraw the finality of the rejection and admit entry of these claims under 35 U.S.C. 1.115.

Additionally, it is also submitted that the claims may be properly amended under 37 CFR 1.116 as these amendments clearly remove issues from an Appeal if an Appeal were necessary.

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Reconsideration of this application as amended is respectfully requested.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the USPTO via facsimile to 1-703-872-9306 addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on

Respectfully submitted,

August 30, 2004

(Date of Deposit)


Corinda Humphrey

(Name of Person Signing)

(Signature)

August 30, 2004

(Date)


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